

COMMON COUNCIL
FEBRUARY 21, 2012

The Common Council, City of Madison, Indiana, met in regular session at 5:30 PM in the Council Chamber, City Hall. Mayor Welch opened the meeting with the Lord's Prayer followed by the Pledge of Allegiance to the Flag. Present; Hodges, Berry, Jones, Henderson, Backus, Lee, Kellems (7). Absent (0).

Motion made by Hodges, seconded by Henderson to approve February 7, 2012 minutes. Motion carried (7-0).

Mayor Welch recognized and introduced the Lady Cubs and coaching staff. They won the Brownstown Regional and are now in the final 4 in class 3A.

Kellems introduced Blayr Bernard from SBDC. They held an open house at the Venture Out Business Center. Eric Kranz is advisor for Madison. He is here to provide counseling to small businesses.

Walsh Construction, project manager, Charlie Gannon came before to the Council to give an update on the bridge project. The five day closure will be a 24 hour a day closure. This will require some noise in the night time hours. This will exceed the decibel level for the ordinance. Walsh is asking for a variance so that they can begin as soon as possible. April 25th they would like to start. The work is going to be on the Indiana approach. There will be a public meeting at the Brown Gym on March 22nd from 6-8pm.

Mayor Welch reviewed the speaking guidelines at public meeting. He would like to change item to say a five minute time limit except when granted by the council.

Warren Auxier addressed the Mayor and Council. He would like to clarify about having to call before hand to be able to speak. He understands if someone wanted to be placed on the agenda, notification is necessary. How do you handle when someone wants to comment on an item on the agenda? This is something you would not know that you wanted to comment on until a discussion is held. Welch stated that would be covered by #4 which states it is up to the council if they wish to let someone speak.

Lee addressed this issue by saying that he has been on the council for 12 years and has had many requests at the meetings for a person to have permission to speak. There has never been a denial. Lee gave a little history and said this is a City Council meeting and it is the Council that determines the issues. There is a need for some guidelines. There is even a protocol that the Council must follow. To address Auxier's comments, if a person requests to speak, they should be able to say they prefer not to say what the topic is and then come and address the Council. There have been many important meetings, but I like to see the chambers full, because this is where the people's business takes place.

Kellems stated that people want to be listened to. In coming before the Council in the previous years, if he would have had to call or come down and be put on a list, he would not have come. If we are trying to be a City where we encourage public engagement, where we are listeners, there are several ways we can do this, and I do not feel this set of rules is one of them. This setting does not encourage interaction. When you walk into a room and there is a podium next to the Mayor and there are cameras, most people would not get up and speak. If there were something that I would oppose more than this, I could not think of what it would be.

Henderson commented that in the four years that he has sat on the Council, when the agenda gets to miscellaneous the audience has always been given the opportunity to speak. It has not gotten out of hand in anyway. In the book of ordinances under privileges of citizens it is their right to speak. It has always worked well in the past.

Welch read the bottom of the rules sheet, Intention of these guidelines is to allow the Council ample time to prepare and address the subject matter and to help with the flow of the meeting. Welch stated that he couldn't remember how many times when he served on the Council that he heard members say I wish I would have known that was on the agenda. Great lengths were taken to come up with these guidelines. There is an exceptions to everything, if someone wants to speak they will be recognized then the Council has the ability to make the decision if they speak. These are exactly what they say they are guidelines.

Jones stated the he spoke with the Mayor a few days ago because there are a few items that concern him. Item #3 reads that in an emergency it says the Mayor has

the sole authority to amend the agenda on short notice. I am thinking that should be a Council member that amends the agenda. That could be any Council member. I think with it would be really easy to get a hold of the Council President. Jones would rather see #3 changed to a Council member or Council President and to conclude that point, that protects the separation of power.

Lee added in reference to what Jones said about it being a Council meeting. When a president of the Council is elected, that it be taken very seriously because it does bring with it responsibility. There are Council meetings around the state that the Mayor does not even attend. There are meetings the Mayor does attend, but only in an advisory role. It is a City Council meeting, not a Mayors meeting.

Backus stated that he does not have a problem with the public speaking, but that he does like having the topics on the agenda. The public does have a right to speak. Welch asked Backus if he felt the guidelines inhibit this and Backus stated yes. Welch asked in what way. Backus explained that restricting comment is too much. The perception that the public has no right to speak unless they come down and sign up is too much.

Berry commented that he believes everyone knows that even if it says five minutes, it doesn't really mean five minutes. We don't want the public to think if they can't say what they need to say in five minutes then they won't say anything. Berry wanted the public to know that they can also call their Council person and have them speak for them. Berry and Kellems gave out their home phone numbers for the public to call them.

Auxier stated that after listening to the Council, and looking at this set of rules, he understands there are exceptions that can be made to allow people to speak. I would rather the guidelines encourage people to speak and the exception would be when not to let someone speak.

Welch said he will take all of this input under advisement. This was not the intent of these guidelines.

ORDINANCE NO. 8-2012
AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF MADISON, INDIANA FOR THE PURPOSES OF
ALLOCATING FUNDS FOR DEMOLITION
OF CERTAIN REAL PROPERTY

Lee sponsored this bill and explained that the purpose is twofold. One is we need to let the people who live near the Elks know that we are serious about changing the way it looks. A cap was put on the monies so that citizens would know that we are not going to use tax payer money to do this project. Lee stated that he hopes if the judge concludes that everything is in order, we can proceed. I have read the contract and Ms. Barr has been in violation of it so many times I don't see how anybody can stand behind her and say this is something we should continue with.

Henderson stated that the resolution that was passed earlier only had to do with legal proceedings and this does not cut that short, this is only about the money.

Jenner stated that is true.

Hodges spoke on saving the building. If money is allocated now, it sends the message that at any point by order of the Mayor, it can be torn down. There are still people out there trying to save the building. This resolution sends the wrong message.

Jones agreed with Hodges and stated that this resolution looks like it would not have to come back to the Council before it is demolished. Some questions we need to ask ourselves are where will this money come from? What part of the budget will lack because of this expenditure? Why are we in a hurry to appropriate money that may never be needed? We have had two City attorneys tell us to wait for judicial review. It would be naive to accept this resolution. I oppose this resolution since it is fiscally irresponsible.

Jenner answered back by saying it is the BPW's decision to take the building down. The purpose of the Mr. Lee's proposal was to put a cap on the amount of money if any that can be spent on demolition.

Berry wanted to verify that the passing of this resolution does not mean the death of this building. There are things that can happen to save this building.

Jenner explained that we can't make an individual fix the building or sell it to someone who has the means to fix it. Unless Ms. Barr makes a decision to either fix it or sell it, our hands are tied until the judgment is granted.

Berry stated that is the opinion of some people that the building is safe and at this point should not be torn down.

Jenner replied that was determined by the BPW when they made the decision to go forward with the demolition order.

Berry said there were some people in the audience that would like to speak about this, is this allowed?

Welch stated it was up to the Council.

Jan Vetrhus, President of Cornerstone and a resident of the Historic District spoke concerning the Elks. She reported that the only official report that stated the building was unsafe was right after the fire. There have been set backs that have not been Ms. Barr's fault. The economy and the City's stop work order stopped work and forced her contractors to go on to other jobs.

Greg Sekula, Southern Regional Director of Indiana Landmarks spoke concerning the Elks. The destruction of this building would create a very noticeable gap in the heart of the historic District. It would be a loss that could never be recovered. Ms. Barr has been receiving mixed messages from the City. They range from we encourage you to fix the building to we are tearing it down. She has put a sizable amount of funds especially with the roof in the past couple of months.

Lee reiterated that the Council has invited Ms. Barr on many occasions to come before the Council and let them know her intentions. This would help with communication.

Sekula stated that Ms. Barr has been in contact with the Mayor and the city staff. With an ongoing legal proceeding, she is limited to the comments that she can make.

Lee stated that he thinks the purpose of this resolution has been misunderstood. The purpose has no bearing on when or if the building will be torn down. It has to do with monies should this occur.

Kathy Petkovic asked what happened to the Ball State plan to turn it into a cute park. We also need to look at the other properties that are run down in the Historic District.

Lee responded by saying this would be another reason to have Ms. Barr come before the Council. We would ask her would you be interested in the Ball State plan.

Peter Ellis, Engineer for Ms. Barr and the design profession of record for this project spoke saying he did not intent to speak, because he was trying to stay neutral. He said he would answer any questions that he could.

Kellems asked if Ms. Barr would be willing to sell the building at a reasonable price.

Ellis stated he did not believe that is the case.

Kellems went on to say that is the key to our ability to save it to a meaningful capacity at a decent price that preserves the street scape and preserves the interest of the people of Madison without raping anyone financially.

Ellis could not answer that. Ellis will relay to Ms. Barr that this is a dialog that the Council would like to have. Ellis stated that this is the first time he had heard of any ideas except taking the building down.

Link Ludington, resident of the National Historic Landmark District. Reported that no one is happy with the condition of the building. Whatever delays have been in the past, significant progress has been made. We are just talking about preserving the shell of a historic building.

Welch stated that he had met with Barr on several occasions. There has been a good dialog and we are moving forward.

Berry asked if she gave any indications that she would appear before the Council.

Welch encouraged her to do that, but didn't think she was ready for that. She may have been advised not to.

Henderson suggested to table the resolution until the judge had made a ruling. The City's finances are not going to change.

Lee stated that by passing this resolution it shows that the City will only go up to 80,000.00 and no more.

Jones disagreed with Councilman Lee's remarks. He stated that we have multiple statements tonight that send the wrong message.

Welch reminded those that are in attendance and those that sat on the Council that the Council was pulled into this late in the game. The Council was asked to vote on it, but instead sent it to the Board of Public works.

Jack Patchin, a member of Cornerstone stated that the building should not be punished.

Motion by Henderson to table the resolution, seconded by Kellems. Roll call vote, Jones-Yes, Berry-Yes, Backus-Yes, Lee-No, Henderson-Yes, Kellems-Yes, Hodges-Yes. Motion passed (6-1).

Jenner wanted to verify that he is not just the Mayor's attorney; he is the City attorney and the Council's attorney.

Police-Dan Thurston- Have three personnel issues. Capt. Terry Wells has officially retired after 32 years. Employment has been offered to Charles Garrett . He was the next candidate in the hiring pool. Dan Slygh was appointed as the DARE officer. An invitation has been extended to Kellems and Berry about riding along with officers and would like to invite the rest of the Council also.

Henderson commended the police on getting the synthetic drugs off the street. He encouraged the public to call the drug tip line. It is anonymous.

Thurston gave out the phone number 265-2121.

Parks-Dave Stucker-Reminder & invitation that this Friday is the senior dance at the Brown Gym. The theme is Mardi Gras. Councilman Henderson had emailed some questions about the yearend report. Information was provided to the Council and the public on those questions.

Outreach-Andrew Forrester-The Staycation promotion is in effect. If there are any groups that would like to host an event during this time contact me. The results from the Stellar Grant Award have not been received yet. The website is moving along, we are now able to upload documents for the citizens.

Plan Commission-Mark Johnson-A new software program has been installed that allows the Plan Commission to be more efficient. It is capable of tracking all the needs of the Plan Commission.

Fire Dept.-Steve Horton-Participating in raising flag for Dan Kreeger funeral.

First Reading

ORDINANCE NO 2012-3
AN ORDINANCE OF THE COMMON COUNCIL OF
THE CITY OF MADISON, INDIANA ESTABLISHING AN
ECONOMIC DEVELOPMENT REVOLVING LOAN FUND

MISCELLANEOUS

Recognized Boy Scout Troop #721 of Moose Lodge

Kellems asked about the status of posting the revenues and expenditures on the website. Kalb stated that we have been looking at different websites. We did receive a warning from IACT saying make sure that what you say is on the site is actually on there or it can be perceived as a denial of records.

Kellems asked what time frame we are looking at and Kalb reported within 3 months.

Kellems proposed a moratorium on all TIF and redevelopment commission spending decisions until the blue ribbon panel addresses the council with its recommendation.

Welch said he would look into that.

Lee asked if there is a method by which we can submit questions we would like them to ask or investigate.

Welch added a quick note on the Mayors Economic Review panel by the end of next week my goal is to announce the date of the first ERP meeting which should take place in the month of March. This meeting as well as future meetings will be open to the public. Certain meetings will be designated for public input. The panel will be seeking input from all facets of our economy. An estimated time frame could be adjusted either way but it is 90 to 120 days. We will be announcing the first meeting next week.

Berry took one more opportunity to wish the Lady Cubs good luck.

Rick Ruess asked a question about the Revolving Loan Fund. If the Council would strike the last half of what's proposed as what appealing would that kill the whole Revolving Loan Fund?

Jenner-Anytime you adopt an ordinance that is in conflict with an old ordinance it is automatically repealed.

Welch announced the next meeting will be March 6th at 5:30pm.

Motion by Henderson to adjourn, seconded by Backus. All in favor motion carries (7-0). Meeting adjourned at 7:35pm

APPROVED_____
President Pro-Tempore Laura Hodges

William J. Kalb, Clerk-Treasurer